

THE CITY OF CLAYTON

Board of Aldermen Meeting
City Hall – 10 N. Bemiston Avenue
September 18, 2012
7:00 p.m.

Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Goldstein
City Manager Owens
City Attorney Heinz

Mayor Goldstein asked for any questions or comments relating to the September 11, 2012 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the September 11, 2012 minutes. Alderman Harris seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 7818 FORSYTH BOULEVARD

Alderman Harris moved to open the public hearing with regard to Resolution No. 12-25, consideration of a Conditional Use Permit for 7818 Forsyth Boulevard and requested proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider a Conditional Use Permit application submitted by Sharon K. Hall for a proposed restaurant to be known as Sip Salon at 7818 Forsyth Boulevard, formerly occupied by Alter Ego.

The proposal is for a dual concept cocoa bar and beauty salon. The 800 square foot cocoa bar will share space with a 150 square foot salon. The two uses will be separated by a floor to ceiling wall with glass panels. The cocoa bar will primarily serve cocoa and coffee drinks, scones, bagels and other similar food items. The sale of alcoholic beverages is not currently being proposed; however, the applicant has indicated that if the cocoa bar is a success, she intends to expand her sales by offering beer and wine in the future.

Seating for 8 patrons will be provided within the cocoa bar area and another 6 chairs at 3 tables will be placed in the common hallway. Outdoor dining is not being proposed.

Since the restaurant will be less than 3,000 square feet, off-street parking is not required; however, two parking spaces behind the building will be dedicated for this use.

The proposed hours of operation are 7:00 a.m. - 11:00 p.m., seven days a week. Deliveries to the restaurant will be made through the rear door. Trash and single stream recycling will be stored in receptacles located at the rear of the building.

The Plan Commission considered the request for the Conditional Use Permit at its August 20, 2012, meeting and voted unanimously to recommend approval to the Board of Aldermen.

Recommendation is to approve a Conditional Use Permit for a restaurant at 7818 Forsyth Boulevard, pursuant to the stipulations and conditions listed in the attached resolution.

In response to the Board's questions, Ms. Sharon Hall, owner/operator, stated that this will be her sixth business and will offer coffee shop related drinks to customers. She said that she anticipates a lot of business not only from the salon patrons, but also from the pedestrian traffic. She said that her concept of a salon/cocoa bar has met all requirements of the city and the St. Louis County Health Department. She explained that there will be a separation (wall) between the salon and the cocoa bar. Ms. Hall hopes to open in mid-October.

In response to Alderman Boulton's question, Ms. Hall clarified that she will not be requesting outdoor dining space at this time.

Alderman Harris moved to close the public hearing with regard to Resolution No. 12-25, consideration of a Conditional Use Permit to operate a restaurant at 7818 Forsyth Boulevard. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris moved to approve Resolution No. 12-25, granting a conditional use permit to operate a restaurant at 7818 Forsyth Boulevard. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR 124 GAY AVENUE

Alderman Harris moved to open the public hearing with regard to Resolution No. 12-26, consideration of a Conditional Use Permit for 124 Gay Avenue and requested proof of publication. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

City Manager Owens reported that this is a public hearing and resolution to consider a Conditional Use Permit application submitted by Matt Rossiter, MJR & JLB, LLC, owner under contract, for the proposed use of the building at 124 Gay Avenue as an office. The property has a zoning designation of R-4 Low Density Multiple Family Dwelling District. Offices are a conditionally permitted use in this zoning district per the following criteria:

Offices--business or professional offices within 215 feet of the boundary of any service district, provided that any such building complies with the height and area requirements; that the appearance and design of the building are in keeping with the appearance and design of the adjoining dwellings; and that there is no storefront or display window used.

In 1984, a Conditional Use Permit was issued to Laura McCarthy Realtors for the use of the property as a real estate office. The approximately 9,100 square foot building is proposed to be occupied by the law firm of Rossiter & Boock, LLC.

The applicant has indicated that 18 parking spaces will be provided. Additional on-street parking is available on Gay Avenue. The Zoning Code requires 1 parking space for every 300 square feet of gross floor area within the building. In this case, 30 parking spaces would be required; however, the Zoning Code states that non-conforming buildings (with respect to parking) "need not provide additional parking spaces for re-occupancy of the building for a similar or less restrictive use." Because the proposed use is similar to the previous use, no additional parking will be required.

Proposed hours of operation are 8:00 a.m. to 6:00 p.m., Monday through Friday. Trash will be stored in dumpsters located in the southeast corner of the parking lot. The applicant proposes minor upgrades to the building and property including paint, carpet, landscaping, lighting and a new Americans with Disabilities Act (ADA) accessible ramp on the front of the building.

The Plan Commission considered the request for the Conditional Use Permit at its August 20, 2012, meeting and voted unanimously to recommend approval to the Board of Aldermen.

Recommendation is to approve a Conditional Use Permit for use of the property at 124 Gay Avenue as an office, pursuant to the stipulations and conditions listed in the attached resolution.

Matt Rossiter, owner, addressed the Board and clarified that they will have only eight employees than what was originally reported as it relates to the 18 parking spaces that are available on the property.

Alderman Harris moved to close the public hearing with regard to Resolution No. 12-26, consideration of a Conditional Use Permit for 124 Gay Avenue. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Alderman Harris moved to approve Resolution No. 12-26, granting a Conditional Use Permit for 124 Gay Avenue. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTION 350.230 - VALET PARKING REGULATIONS

City Manager Owens reported that the City has determined there is the need to enhance the requirements of the evening valet parking zone code to assure safe movement of traffic, and to add a permit for valet parking zones for daytime use under limited circumstances. Currently, the City has a variety of daytime valet parking zone arrangements and this ordinance would establish consistent terms for these zones, except those currently under a separate contract. As these contracts expire, the covered zones would then be enforced through this ordinance.

The major changes in this ordinance are to require an application for all valet parking zones including current levels of insurance, transfer the approval of these zones to the Public Works Director; provide the City the opportunity to set additional requirements when needed, and require all valet parking zones to be appropriately staffed. In addition, the ordinance outlines the requirements for approval of a new valet parking zone permit for daytime use with strong requirements so as not to limit parking for surrounding businesses and activities or to negatively affect vehicular or pedestrian safety.

The current valet parking zone permit fee of \$100 will remain for evening zones and an additional fee of \$2,500 will be instituted for daytime valet parking zones. We believe this fee provides the City with replacement revenue for removing a parking meter out of service for the year, yet is not cost prohibitive for this exclusive use of a parking area.

Recommendation is to approve an ordinance enhancing the requirements for valet parking zone permits, and adding a new permit for valet parking zones for daytime use.

Alderman Harris introduced Bill No. 6351, consideration of an ordinance to amend Section 350.230 relating to valet parking to be read for the first time by title only. Alderman Maddox-Dallas seconded.

Mayor Goldstein acknowledged that there was an email that was sent earlier today to the president of the Chamber of Commerce from the "city" asking for the Chamber's input regarding the proposed ordinance. Mayor Goldstein spoke with Mike Schoedel, President of the Chamber of Commerce, earlier this evening and clarified to him that the City would have given more respect to the Chamber and to their members than to have asked for a 24-hour turn-around time for their input. Mayor Goldstein stated that the City understands that if we would ask the Chamber, or any other entity for input, we would give them an adequate amount of time to respond. But in this case, she explained to Mr. Schoedel that the proposed amendment to the ordinance would just standardize the current practice and she also explained who would be affected by the amendment.

Mayor Goldstein stated that she apologized profusely to Mr. Schoedel for the confusion on who the City spokespersons are and the process that the City understands that the Chamber has to go through which the City also respects. Mayor Goldstein gave an example stating that the Chamber, when asked for their opinion, will potentially survey their members, refer the issue to their legislative committee and their executive board which would take much longer than a 24 hour notice. Mayor Goldstein stressed that she doesn't want to alienate the Chamber by having any one of the City's Board pretend that they are the "spokesperson" for the City.

Mayor Goldstein reminded the Board that this issue has been discussed in the past and also reminded them that that can speak their own opinion, they are free as individuals to speak their own mind to express their own opinions, but they will not speak on behalf of the entire Board and will certainly not speak on behalf of the City. The City has designated spokespersons and the City has a process that is followed. Mayor Goldstein asked that the Board respect that process, also understood by the Mayor's Youth Advisory Committee members, and hopes that the Board understands it too.

Mayor Goldstein stated that although she offered to table the ordinance, Mr. Schoedel assured her that everything was fine, there was no problem, and that he didn't really understand the issue, and is okay with the Board voting this evening. Mayor Goldstein wanted to be sure that all of the Board understood this and she stressed that they respect each other, respect this Board, respect their respective roles, and not go around the process that has worked so well for everyone and for the City.

In response to Alderman Garnholz's question, Mayor Goldstein stated that they had heard from Frank Schmitz via email stating that the change will only affect businesses that want day time valet, and he believes that it will not affect any of the restaurateurs. She noted that Brad Beracha is currently out of the country and they didn't expect any changes for his restaurants. She stated that there are two businesses that have daytime valet service, Molly Darcy's and Simons' Jewelers.

City Manager Owens pointed out that The Crescent also has daytime valet services for its tenants.

City Attorney Heinz reads Bill No. 6351, consideration to approve an ordinance to amend Section 350.230 relating to valet parking for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6351, consideration of an ordinance to amend Section 350.230 relating to valet parking to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney Heinz reads Bill No. 6351 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6231 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO SECTION 215.750 – OFFENSE OF HARASSMENT

City Manager Owens reported that In September, 2008, the Board of Aldermen passed an ordinance prohibiting Stalking and Harassment. In May, the Missouri Supreme Court handed down a ruling declaring unconstitutional, the wording of one section of the ordinance which was widely used by other jurisdictions. The proposed amendment of the ordinance corrects the wording of Section 5 of the ordinance, making it in line with the Supreme Court Ruling. A copy of the existing ordinance is included for your review.

Recommendation is to approve the revision of the ordinance.

Alderman Harris introduced Bill No. 6352, an ordinance to approve an amendment to Section 215.750 relating to the offense of harassment to be read for the first time by title only. Alderman Maddox-Dallas seconded.

In response to Alderman Garnholz's question, City Manager Owens confirmed that the amendment is to remove item number five from the ordinance per the Missouri Supreme Court ruling.

City Attorney Heinz reads Bill No. 6352, an ordinance to approve an amendment to Section 215.750 relating to the offense of harassment for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6352, an ordinance to approve an amendment to Section 215.750 relating to the offense of harassment to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney Heinz reads Bill No. 6352 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6232 of the City of Clayton.

Other

Alderman Garnholz reported that the Plan Commission met prior to tonight's Board meeting and had a discussion on the changes to Central Presbyterian Church. She said that one of the requests was for a lot consolidation which the Commission approved. She said that the other requests, (1) to expand a current lot that has four spaces which would diminish the green space along Davis Drive side of the church, but then Mr. Stephens ultimately withdrew this proposal. After the withdrawal of the proposed request it basically was confusing to understand the remaining plan, and also factoring in that they had not received approval from MSD for the various improvements to the site. She said that the best thing to do to make it clear for the Commission and for the public was to table the other agenda items.

There being no further regular business the meeting adjourned at 7:30 p.m.

Mayor

ATTEST:

City Clerk